United Nations A/C.3/55/L.35

General Assembly

Distr.: Limited
2 November 2000

Original: English

Fifty-fifth session
Third Committee
Agenda item 114 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Bangladesh, Bolivia, Brazil, Cape Verde, Colombia, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Honduras, Mexico, Morocco, Nicaragua, Peru, Philippines, Poland, Portugal, Russian Federation, Senegal, Togo and Uruguay: draft resolution

Protection of migrants

The General Assembly,

Recalling its resolution 54/166 of 17 December 1999,

Considering that the Universal Declaration of Human Rights[1] proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming the provisions concerning migrants adopted by the World Conference on Human Rights,[2] the International Conference on Population and Development,[3] the World Summit for Social Development[4] and the Fourth World Conference on Women,[5]

Bearing in mind the report of the Special Rapporteur on the human rights of migrants, [6]

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[1] Resolution 217 A (III).

[2] See A/CONF.157/24 (Part I), chap. III.

[3] See *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[4] See *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

[5] See *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[6] E/CN.4/2000/82.

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Taking note of Commission on Human Rights resolution 2000/48 of 25 April 2000 on the human rights of migrants, [7]

Recalling its resolution 40/144 of 13 December 1985, by which it approved the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live,

Recognizing the positive contributions that migrants frequently make, including through their eventual integration into their host society,

Bearing in mind the situation of vulnerability in which migrants frequently find themselves, owing, inter alia, to their absence from their States of origin and to the difficulties they encounter because of differences of language, custom and culture, as well as the economic and social difficulties and obstacles to their return to their States of origin faced by migrants who are non-documented or in an irregular situation,

Also bearing in mind the need for a focused and consistent approach towards migrants as a specific vulnerable group, in particular women and children migrants,

Deeply concerned about the manifestations of violence, racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrants, especially women and children, in different parts of the world,

Underlining the importance of the creation of conditions that foster greater harmony between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia perpetrated in segments of many societies by individuals or groups against migrants,

Encouraged by the increasing interest of the international community in the effective and full protection of the human rights of all migrants, and underlining the need to make further efforts to ensure respect for the human rights and fundamental freedoms of all migrants,

Taking note with appreciation of the recommendations on strengthening the promotion, protection and implementation of the human rights of migrants of the working group of intergovernmental experts on the human rights of migrants[8] established by the Commission on Human Rights,

Noting the efforts made by States to penalize the international trafficking of migrants and to protect the victims of this illegal activity,

Taking note of the decisions of the relevant international juridical bodies on questions relating to migrants, particularly advisory opinion OC-16/99, issued by the Inter-American Court of Human Rights on 1 October 1999, regarding the right to information about consular assistance within the framework of due process guarantees,

1. *Welcomes* the renewed commitment made in the United Nations Millennium Declaration[9] to take measures to ensure respect for and protection of

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[7] *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.

[8] E/CN.4/1999/80, paras. 102-124.

[9] Resolution 55/2.

human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies;

2. *Requests* all Member States, in conformity with their respective constitutional systems, effectively to promote and protect the human rights of all migrants, in conformity with the Universal Declaration of Human Rights[9] and the international instruments to which they are party, which may include the International Covenants on Human Rights,[10] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[11] the International Convention on the Elimination of All Forms of Racial Discrimination,[12] the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[13] the Convention on the Elimination of All Forms of Discrimination against Women,[14] the Convention on the Rights of the Child[15] and other applicable international human rights instruments;

3. *Strongly condemns* all forms of racial discrimination and xenophobia with regard to access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public, and welcomes the active role played by governmental and non-governmental organizations in combating racism and assisting individual victims of racist acts, including migrant victims;

4. *Calls upon* all States to review and, where necessary, revise immigration policies with a view to eliminating all discriminatory policies and practices against migrants and to provide specialized training for government policy-making and law enforcement, immigration and other concerned officials, thus underlining the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

5. *Reiterates* the need for all States to protect fully the universally recognized human rights of migrants, especially women and children, regardless of their legal status, and to provide humane treatment, in particular with regard to assistance and protection, including those under the Vienna Convention on Consular Relations,[16] regarding the right to information about receiving consular assistance from the country of origin;

6. *Reaffirms* the responsibility of Governments to safeguard and protect the rights of migrants against illegal or violent acts, in particular acts of racial discrimination and crimes perpetrated with racist or xenophobic motivation by individuals or groups, and urges them to reinforce measures in this regard;

7. *Urges* all States to adopt effective measures to put an end to the arbitrary arrest and detention of migrants, including by individuals or groups;

8. *Requests* all Governments to cooperate fully with the Special Rapporteur of the Commission of Human Rights on the human rights of migrants in the

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[10] Resolution 2200 A (XXI), annex.
[11] Resolution 39/46, annex.
[12] Resolution 2106 A (XX), annex.
[13] Resolution 45/158, annex.
[14] Resolution 34/180, annex.
[15] Resolution 44/25, annex.
[16] United Nations, *Treaty Series*, vol. 596, No. 8638.

performance of the tasks and duties mandated and to furnish all information requested, including by reacting promptly to her urgent appeals;

9. *Encourages* Member States that have not yet done so to enact domestic criminal legislation to combat international trafficking of migrants, which should take into account, in particular, trafficking that endangers the lives of migrants or includes different forms of servitude or exploitation, such as any form of debt bondage, sexual or labour exploitation, and to strengthen international cooperation to combat such trafficking;

10. *Welcomes* the recommendations of the Special Rapporteur on the human rights of migrants that close links be established between her work and that of the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, within the framework of the Conference's objectives, and encourages her to help identify the main issues that the Conference should address;

11. *Calls upon* all States to protect the human rights of migrant children, in particular unaccompanied migrant children, ensuring that the best interests of the children are the paramount consideration, and encourages the relevant United Nations bodies, within the framework of their respective mandates, to pay special attention to the conditions of migrant children in all States and, where necessary, to put forward recommendations to strengthen their protection;

12. *Requests* the Secretary-General to submit to the General Assembly at its fifty-sixth session a report on the implementation of the present resolution under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms"